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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3176/2024 & CM APPL. 13093/2024

SREE VENKATESHWARA ENTERPRISES

.....Petitioner

Through: Mr.Tushar Sharma, Advocate
(Through VC)

versus

INDIAN RAILWAY CATERING AND
TOURISM CORPORATION LTD

.....Respondent

Through: Mr.Apoorv Sarvaria, Advocate

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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04.11.2024

1. By way of this petition under Article 226 of the Constitution of India, the petitioner has challenged a communication dated 19.01.2024 by which the respondent has terminated a contract awarded by a letter dated 12.06.2012, for operating a food plaza at Berhampur Railway Station. The respondent also debarred the petitioner from participating in future projects of the respondent for a period of one year from the date of issuance of the letter.

2. Learned counsel for the petitioner states that the petitioner has already invoked the arbitration clause contained in clause 12 of the contract on 06.08.2024, but the respondent has addressed a communication dated 01.11.2024 declining reference to arbitration on the ground of pendency of the present writ petition.



3. At the very outset, learned counsel for the respondent accepts that this position is misconceived, in view of the fact that the respondent itself has taken a preliminary objection in its counter affidavit that the disputes are subject to arbitration. Learned counsel for the respondent reiterates that the disputes have to be resolved by arbitration in accordance with law, and states that the respondent will cooperate in the constitution of the arbitral tribunal in accordance with law.

4. In view of the above submissions, the writ petition is disposed of, with liberty to the petitioner to agitate its grievances in the proposed arbitration proceedings, including by making an application for interim relief in accordance with law.

5. It is made clear that this Court has not made any comments on the merits of the matter and the rights and contentions of the parties are left open in this regard.

PRATEEK JALAN, J

NOVEMBER 4, 2024

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